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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,169

09/28/2005

Jonathan L Miner

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11/15/2006

MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS, MI 49503

EXAMINER

TILL, TERRENCE R

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/551,169

Applicant(s)

MINER ET AL.

Examiner

Terrence R. Till

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/05, 5/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one carriage comprising a first carriage that mounts the suction nozzle, a second carriage that mounts the fluid distributor and a third carriage that mounts the scrubbing implement (claim 40) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

3. Misnumbered claims 52-59 been renumbered 51-58.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-58 (re-numbered) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

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claimed invention. In independent claims 1, 52 (re-numbered), 54 (re-numbered), 55 (re-numbered) and 56 (re-numbered), applicant recites "at least one carriage". This means that there can be more than one carriage and applicant has even presented a claim with more than one carriage (claim 40). The original disclosure does not make a provision for there being more than one carriage. There is no support in the original disclosure for three carriage assemblies as mentioned in claim 40. As this language was presented in an amendment, it is considered new matter.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. In claim 7, the dependency was amended to change the dependency from claim 3, but no new claim number was inserted. Consequently, claim 7 does not depend on any claim. It will be assumed for the purposes of examination that claim 7 depends on claim 1.

Allowable Subject Matter

9. Claims 1-58, as best understood, are free of the prior art.

10. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 1, the prior art does not disclose nor render obvious the claimed combination of subject matter particularly a fluid flow regulator connected to the fluid distributor for controlling the flow of the cleaning fluid to the fluid distributor and a controller operably connected to at least one of the fluid flow regulator and fan motor for independently controlling

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the delivery of cleaning fluid to the surface being cleaned and the recovery of soiled cleaning fluid from the surface to be cleaned in a predetermined relationship. With respect to claim 52 (re-numbered), the prior art does not disclose nor render obvious the claimed combination of subject matter particularly a controller mounted to the housing and to the power supply for controlling the power supply to the carriage motor and to the fan motor. The controller being programmed to supply power to the carriage motor for a first and second predetermined period of time and supply power to the fan motor for the first period of time and to discontinue power to the fan motor for a second predetermined period of time. With respect to claim 54 (re-numbered), the prior art does not disclose nor render obvious the claimed combination of subject matter particularly a plurality of floor condition sensors mounted to the housing for detecting the level of soil on the floor to be cleaned and for generating a control signal representative thereof and the controller is adapted to adjust the delivery of cleaning fluid to the surface to be cleaned responsive to the control signal. With respect to claim 55 (re-numbered), the prior art does not disclose nor render obvious the claimed combination of subject matter particularly a controller mounted to the housing and to the power supply for controlling the power supply to the carriage motor and to the fan motor. The controller being programmed to supply power to the carriage motor for a first and second predetermined period of time and discontinue power to the carriage motor and the fan motor subsequent to the predetermined period of time. With respect to claim 56 (re-numbered), the prior art does not disclose nor render obvious the claimed combination of subject matter particularly a controller mounted to the housing and to the power supply for controlling the power supply to the carriage motor and to the fan motor and the controller is

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operably connected to the fluid flow regulator; wherein the controller is programmed to multiple duty cycles to vary the fluid delivery, scrubbing and suction dwell times

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys P. Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Terrence R. Till
Primary Examiner
Art Unit 1744

trt